REMARKS

Claims 1 – 7, 10, and 11 were pending in the application. Claims 7, 10, and 11 have been amended; claims 1 – 6 have been withdrawn; and claims 8 and 9 have been previously canceled. Accordingly, claims 1 – 7, 10, and 11 are presented for reconsideration and reexamination in view of the following remarks.

In the Office Action, the disclosure was objected to because of informalities; claims 7 and 10 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,140,763 to Hung et al.; and claim 11 was rejected under 35 U.S.C. § 103 as being unpatentable over Hung et al.

By this Amendment, title has been amended to overcome the objections; claims 7, 10, and 11 have been amended to overcome the rejections. Support for these amendments can be found for example, in paragraphs [0033], [0080], and others, of the pending application as published.

It is therefore respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Objection to the disclosure

The disclosure was objected to because of informalities. In particular, the Examiner found that the title was not descriptive, and made a requirement for a new title.

In response, Applicant amends the title to:

--Organic Electroluminescence Device <u>Having a Diffused Layer</u>--

Accordingly, as the title has been amended, Applicant respectfully requests that the objection be withdrawn.

Rejection under 35 U.S.C. § 102 (b)

The Examiner rejected claims 7 and 10 as being anticipated by Hung et al.

Reconsideration and withdrawal of the rejection are respectfully requested.

For a reference to anticipate an invention under 35 U.S.C. 102 (b) the reference must have been patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. The reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

It is respectfully submitted that Hung et al. fails to teach each and every element of the claims, as amended.

Independent claim 7 has been amended to recite "...wherein both of the light-emitting layer and the low electric resistance metal layer are made of an alkali metal compound including Cs and oxygen."

Hung et al. discloses an interfacial electron-injecting layer formed from a doped cathode for organic light-emitting structure. The cathode 310 (410) is a composite which contains a high work function (>4.0eV) cathode material and a low work function (<4.0eV) cathode material, and the low work function cathode material is an electron-injecting dopant 312 (412). *See* column 10, lines 22 – 40.

However, Hung et al. does not disclose that the electron-injecting dopant 312 (412) is made of any alkali metal compound including Cs and oxygen. It should be noted here that Hung et al. disclose only that the electron-injecting dopant 312 (412) is selected from the Periodic Table groups IA and IIA (*see* column 10, lines 63-67).

Therefore, the cathode 310 (410) is not made of any alkali metal compound including Cs and oxygen as recited in amended claim 7. Likewise, the organic light emitting structure 320 (420) is not made of any alkali metal compound including Cs and oxygen.

Therefore, Applicant respectfully submits that amended claim 7 overcomes Hung et al.

Moreover, as claim 10 depends from claim 7, it is also believed to be patentable over Hung et al. for at least similar reasons.

Accordingly it is submitted that claims 7 and 10 define over the cited reference, and should be allowed. Applicant respectfully requests that the rejection of claims under 35 U.S.C. § 102 (b) be withdrawn.

Rejections under 35 U.S.C. § 103 (a)

The Examiner rejected claim 11 as being unpatentable over Hung et al.

Reconsideration and withdrawal of the rejection are respectfully requested.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen,

Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

It is respectfully submitted that the reference fails to teach or suggest all the claim limitations.

Hung et al. has been discussed above. The Examiner indicates that it would have been an obvious design choice to use a low resistance layer having the features described in claim 11.

In response, the subject matter of claim 11 is not *prima facie* obvious, as anticipation is the epitome of obviousness, In re McDaniels et al., 01-1307 (Fed. Cir. June 19, 2002); Connell v. Sears Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983); In re Fracalossi, 681 F.2d 792, 794, 215 USPQ 569, 571 (CCPA 1982) quoting In re Pearson, 494 F.2d 1399, 1402, 181 USPQ 641, 644 (CCPA 1974) (a lack of novelty in the claimed subject matter, e.g., as evidenced by a complete disclosure of the invention in the prior art, is the "ultimate or epitome of obviousness").

Further, Applicant respectfully traverses the Examiner's assertion of "obvious design choice" and request that the Examiner provide a reference in the next office action illustrating this feature.

Therefore, claim 11 is patentable over the cited reference, singly or in combination. Moreover, as dependent claim 11 depends from claim 7, Applicant submits this claim is allowable for at least similar reasons.

Applicants respectfully request that the rejection of claim 11 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully request that the Examiner call the undersigned attorney.

Respectfully submitted,
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